



The Respondent herein filed an action for dissolution of the parties' marriage in Nebraska on September 9, 2015 (Exhibit A). Petitioner was served a Summons in that matter on September 11, 2015 (Exhibit B). Petitioner has subjected himself to the jurisdiction of the District Court of Nebraska in that, on October 20, 2015, Petitioner entered his appearance by and through his attorney in Nebraska (Exhibit C). Petitioner has additionally been served with Notice of a temporary order hearing being held in the Nebraska District Court on December 1, 2015 (Exhibit D). Given that the Petitioner herein has subjected himself to the jurisdiction of the Nebraska District Court, this Court is compelled to dismiss this case.

II.

**OKLAHOMA LACKS JURISDICTION OVER THE  
SUBJECT MATTER OF THIS ACTION UNDER  
43 O.S. SEC. 102.A.**

In order for the Oklahoma District Courts to have jurisdiction over an action for divorce, a petitioner or respondent must have been an actual resident, in good faith, of this state for the six (6) months immediately preceding the filing of the petition. 43 O.S. Sec. 102.A. Contrary to Petitioner's allegation in his *Petition for Dissolution of Marriage*, Petitioner does not meet this requirement.

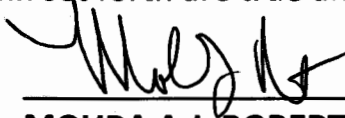
**VERIFICATION**

**STATE OF OKLAHOMA**

SS.

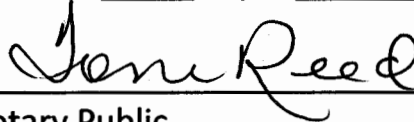
**COUNTY OF TULSA**

**Moura A.J. Robertson**, being first duly sworn, upon her oath, deposes and states: that she is the attorney for the Respondent; that she has read the above and foregoing pleading; and, that she believes the testimony and evidence upon hearing will prove the facts and matters herein set forth are true and correct.

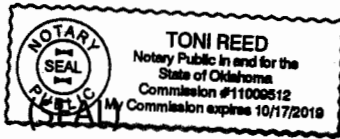


**MOURA A.J. ROBERTSON**

**SUBSCRIBED** and sworn to before me this 9<sup>th</sup> day of November, 2015.



**Notary Public**

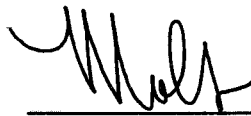


My Commission Expires: 10/17/2019

Petitioner filed his Petition on August 10, 2015; and, in order for Petitioner to have been a resident for six months before August 10, 2015, he would have had to have resident, in good faith, in the State of Oklahoma since February 10, 2015. Petitioner had been residing with Respondent and their minor children in both the States of Iowa and Nebraska during this six month period; and further, Petitioner and Respondent (as well as the parties' minor children) were actual residents of the State of Nebraska. Based upon these facts, the Court is also compelled to dismiss this case.

**WHEREFORE**, Respondent prays that the Court dismiss this cause, order Petitioner to pay her attorney fees and costs of this Motion and grant her whatever other and further relief to which she is entitled by law and which the Court, in it's sound discretion, deems to be fair and equitable.

Respectfully submitted,



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**Moura A. J. Robertson, OBA No.14965**  
**Moura Robertson Family Law**  
110 West 7<sup>th</sup> Street, Suite 2610  
Tulsa, Oklahoma 7419-1114  
Telephone: (918) 382-9332  
Fax: (918) 382-9319



IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

CRYSTAL WEIHE

Plaintiff,

vs.

ROBERT W. WEIHE JR.,

Defendant.

CASE NO IS-

7872

JOHN M. FRIEND

ATTORNEY

COMPLAINT

COMES NOW Crystal Weihe, Plaintiff, and for her cause of action against Robert W. Weihe Jr. Defendant, states and alleges as follows:

1. The Plaintiff resides at 4901 Seward, Omaha, NE, and has been a permanent resident of the State of Nebraska for more than one year last past.
2. The Defendant is currently residing with his sister at 7934 S 88 East Avenue, Tulsa, OK 74133.
3. The parties were married in Omaha, Douglas County, Nebraska on the 7<sup>th</sup> day of February, 1995.
4. There are two minor children born of the marriage, namely: Briana Weihe, born April, 1998, and Ciara Weihe, born July, 1999.
5. Neither party has a pending action regarding custody or visitation with regard to the minor children, nor does either party know of any other person not a party to the actions referenced herein that has any basis for a claim for visitation or custody rights with said minor children.
6. Neither Plaintiff nor Defendant is active in the United States Armed forces, or inducted into same.
7. Plaintiff is a fit and proper person to be awarded custody of the minor children, or



*Complaint - 2*

in the alternative, to be awarded reasonable rights of parenting time with the minor children.

8. Pursuant to the Nebraska Child Custody Jurisdiction Act, the address of the minor children affected by these proceedings, together with whom the minor children has resided for the past five years or since birth, is as follows:

| <u>Date</u>        | <u>Location</u>                                   | <u>With Whom</u>                 |
|--------------------|---|----------------------------------|
| 8/15/2015- Present | 7934 S 88 East Avenue<br>Tulsa, Ok                | Defendant                        |
| 4/04/15-8/15       | 2704 E Kainsville Blvd #65<br>Council Bluffs, IA  | Both parties                     |
| 1/2015-4/04/15     | 2920 S 13 <sup>th</sup> Street<br>Omaha, NE 68108 | Both parties                     |
| Birth-1/2015       | 5406 S 23 <sup>rd</sup> Street<br>Omaha, NE 68107 | Plaintiff and/or<br>both parties |

9. Neither Plaintiff nor Defendant is active in the United States Armed forces, or inducted into same.
10. The Defendant filed for dissolution in the Tulsa County District Court under Case No. FD-2015-2108., even though Oklahoma does not have jurisdiction to hear this Matter. A Motion to Dismiss for Lack of Jurisdiction is currently pending under said case.
11. That the marital relationship of the parties is irretrievably broken and the legitimate ends and objects of matrimony have been destroyed; that every reasonable effort to effect reconciliation has been made; and any further attempts would be to no avail.
12. The parties hereto are possessed of certain real and personal property of which



SHERIFF STANLEY GLANZ  
TULSA COUNTY SHERIFFS OFFICE  
500 S. DENVER  
TULSA, OK 74103-

Fax: (918) 596-5697

(918) 596-5601

Plaintiff: WEIHE, CRYSTAL

Entry Date: 09/09/2015

Case Number: CI-15-7824

Defendant: WEIHE, ROBERT

Person To Serve: WEIHE, ROBERT

Date Of Return: Friday, September 11, 2015

Type Of Civil Paper: SUMMONS

Date Served: 09/11/2015 0945

Evicted On Date/Time:

Who Served: CRYSTIE A BAUVE (SISTER)

Address: 7934 S 88 E AVE

Address: TULSA, OK, 74103

SUBSTITUTE

Service Type: RESIDENTIAL

SHERIFF STANLEY GLANZ  
TULSA COUNTY SHERIFFS OFFICE

*Daniel R Smith*

SMITH, DANIEL



THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

|            |   |                     |
|------------|---|---------------------|
| ██████████ | ) | CASE NO ██████████  |
| PLAINTIFF  | ) |                     |
|            | ) |                     |
| v          | ) | ENTRY OF APPEARANCE |
|            | ) |                     |
| ██████████ | ) |                     |
| DEFENDANT  | ) |                     |

Carrie A. Doll hereby enters an appearance as attorney on behalf of the, Defendant, ██████████ in the above captioned case. Please direct any further correspondence to the undersigned.

DATED this 20<sup>th</sup> day of October, 2015

BY: /s/ Carrie A. Doll  
Prepared and Submitted by:  
Carrie A. Doll, # 24069  
2421 "O" Street  
Omaha, NE 68107  
(402) 740-1489  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this 20<sup>th</sup> day of October, 2015 a copy of the above and foregoing instrument was served upon the following persons, by personal service

Angela H. Heimes  
1905 Harney St, Suite #219  
Omaha, NE 68102  
Attorney for Plaintiff



/s/ Carrie A. Doll

## Certificate of Service

I hereby certify that on Wednesday, October 21, 2015 I provided a true and correct copy of the Appearance of Counsel to the following:

██████████ service method: No Service

██████████ represented by Angela Heimes (Bar Number: 21551) service method:  
Electronic Service to amber@heimeslaw.com

Signature: /s/ Doll, Carrie Ann (Bar Number: 24069)

JOHN M. FRIEND

IN THE DISTRICT COURT OF DOUGLAS COUNTY NEBRASKA NOV 05 2015

██████████ )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
██████████ )  
 )  
Defendant. )

CASE NO. ██████████

MOTION FOR  
TEMPORARY ORDERS

Comes now the Plaintiff, ██████████ and hereby moves this Court for Temporary Orders as follows:

1. An order granting the Plaintiff the temporary legal and physical custody of the parties' minor children.
2. An order setting forth the parties' schedule of parenting time.
3. An order of child support consistent with the Nebraska Child Support Guidelines.
4. An order of temporary alimony.
5. For such other and further relief as the Court deems just and equitable.
6. The Plaintiff further states that she intends to offer her Affidavits in support of this Motion for Temporary Orders.

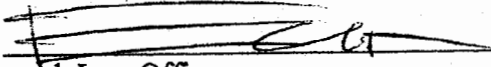
Wherefore the Defendant prays the Court enter temporary orders in this case.

Dated this 5<sup>TH</sup> day of November, 2015.

██████████ Plaintiff

By: W.D. Gilner  
William D. Gilner #22080  
P.O. Box 31285  
Omaha, NE 68131  
(402) 290-1231  
wgilner@gmail.com  
Attorney for Plaintiff



By:   
Wintroub Law Office  
300 S. 19<sup>th</sup> Street, Suite 316  
Omaha, NE 68102  
(402) 342-5300  
Fax (342-3115  
Edward L. Wintroub #14566  
Attorney for Plaintiff

#### NOTICE OF HEARING

The foregoing Motion will be heard on the 1st day of December 2015, at  
09:45AM before the Honorable Kimberly M. Pankonin, District Court Judge,  
Courtroom 409, Douglas County District Court, 1701 Farnam Street, Omaha, Nebraska  
68183.

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing pleading was served  
upon the Defendant by serving same upon her attorney of record on the 5th day of  
November 2015, by regular US Mail postage prepaid at the address set forth below:

Carrie A. Doll  
2421 O Street  
Omaha, NE 68107

